

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SAMUEL FRATTO III and JAMES JOHANNEMANN, as
Trustees of I.B.E.W. LOCAL 363 PENSION FUND,
WELFARE FUND, MONEY PURCHASE PENSION FUND,
VACATION AND PAID HOLIDAY FUND,
SUPPLEMENTAL UNEMPLOYMENT BENEFIT FUND,
LABOR MANAGEMENT COOPERATIVE FUND, and
JOINT APPRENTICE TRAINING FUND, and FRANK
PERUGINO, as President of the INTERNATIONAL
BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL
UNION NO. 363,

Plaintiffs,

-against-

HVS, LLC and JAMES J. MULLEN

Defendants.
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DEFAULT JUDGMENT

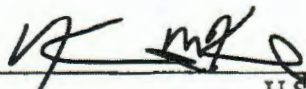
Case No.: 23-CV-10278-KMK

This action, having been commenced on November 22, 2023, by the filing of the complaint and issuance of a summons, and the summons and complaint having been served upon defendants SAMUEL FRATTO III and JAMES JOHANNEMANN, as Trustees of I.B.E.W. LOCAL 363 PENSION FUND, WELFARE FUND, MONEY PURCHASE PENSION FUND, VACATION AND PAID HOLIDAY FUND, SUPPLEMENTAL UNEMPLOYMENT BENEFIT FUND, LABOR MANAGEMENT COOPERATIVE FUND, and JOINT APPRENTICE TRAINING FUND, and FRANK PERUGINO, as President of the INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL UNION NO. 363, pursuant to Rule 4(e)(1) and Rule 4(h)(1) of the Federal Rules of Civil Procedure

NOW, on motion of Archer, Byington, Glennon & Levine, LLP, attorneys for the plaintiffs, and upon the proceedings herein, it is

ORDERED, ADJUDGED AND DECREED, that plaintiffs are hereby awarded judgment against defendant, HVS, LLC. in the sum of \$621,080.59 for work performed by individual employees on the payroll of HVS, there are unpaid fringe benefit contributions and assessments due and owing to the Funds as required under the CBA, upon information and belief in the known amount of at least \$515,516.16 for the period from in or about week ending March 1, 2022 through in or about week ending September 21, 2023, plus unpaid dues for the period from in or about week ending March 1, 2022 through in or about week ending September 21, 2023, in the known amount of at least \$36,625.25, plus interest of \$60,535.75 at the rate of prime rate plus two percent, as demanded in the complaint and as provided in defendant's collective bargaining agreement, the plaintiffs' Trust Agreement, and §502(g)(2) of ERISA, 29 U.S.C. §1132(g)(2), plus the reasonable attorneys' fees and costs of this action, as demanded in the complaint and as provided in §502(g)(2)(D) of ERISA, 29 U.S.C. §1132(g)(2)(D), amounting to \$8,403.43 as of October 7, 2024, and amounting in all to judgment in plaintiffs' favor in the sum of \$621,080.59, plus interest at the per diem rate of \$153.14 per day to the date of entry of judgment herein, and that plaintiffs have execution therefor.

Dated: Melville, New York
January 2, ~~2024~~ 2025



U.S.D.J.